IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 20TH NOVEMBER 2007 / 29TH KARTHIKA 1929

Crl.Rev.Pet.No. 136 of 2001()

CRA.192/1997 of SESSIONS COURT, KOZHIKOE
CC.421/1995 of JUDL.MAGISTRATE OF FIRST CLASS, NADAPURAM

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REVN. PETITIONER:

VADEKKARA RIYAS, AGED 20 YEARS,
S/O.AMMAD, KAVILUMPARA AMSOM,
DESOM, KOZHIKODE

BY ADV. SRI.P.V.KUNHIKRISHNAN

RESPONDENTS:

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR, SRI AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 20/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL.M.P.NO.583/2001 IN CRL.R.P.NO.136/2001

DISMISSED.

SD/- K.R.UDAYABHANU, JUDGE

20/11/2007

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K.R.UDAYABHANU, J.

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Crl. R.P.No.136 of 2001-B

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Dated this the 20th day of November, 2007

O R D E R

The revision petitioner is the accused in C.C.No.421/1995 in the file of the Judicial Magistrate of the First Class, Nadapuram, who stands convicted for the offences under Sections 457 and 380 I.P.C and sentenced to undergo rigorous imprisonment for one year each which is to run consecutively.

2. The prosecution case is that on 08/05/1995 the accused committed theft of three wrist watches worth Rs.8,000/- from house No.KP II/776 of Kunnummel Panchayath which belonged to PW.1.

3. The counsel for the revision petitioner has only sought for modification of sentence. It is pointed out that about 12 years have elapsed since the date of the incident and that at that time the accused was aged only 18 years and that right now he is working in Middle East and that he is living as a law abiding citizen.

4. In the circumstances and considering the long lapse of time and the age of the accused then, the sentence imposed for the offence under Section 380 I.P.C is modified to imprisonment already undergone and to

pay a fine of rupees five thousand and in default to undergo simple imprisonment for six months; and for the offence under Section 457 I.P.C also the sentence is modified to imprisonment already undergone and to pay a fine of rupees five thousand and in default to undergo simple imprisonment for six months. The criminal revision petition is disposed of as above.

Sd/-
K.R.UDAYABHANU,
Judge

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